

## **REMARKS/ARGUMENTS**

Claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30 were pending in this application. According to the March 9, 2005 Office Action, claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30 were rejected. To expedite prosecution of this application, applicant has canceled claims 1, 3, 5, 7-9, 11, 15-16, 19-20, 22, 24, and 30.

In addition, applicant has amended independent claim 18 to further clarify applicant's invention. Applicant has also amended claims 13, 14, and 26 to now depend from claim 18 and has amended claim 28 to recite that the body portion surface "and" the extended hook region surface are convexly curved. In addition, applicant has amended independent claim 29 to further clarify applicant's invention. Applicant has also added new claims 31 and 32, which depend from claim 29, and has amended claims 2, 4, and 27 to now depend from claim 31.

Accordingly, claims 2, 4, 13-14, 18, 26-29, and 31-32 are under consideration.

### **Rejection of Claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30 under §112**

The Examiner rejected previously presented claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30 under 35 U.S.C. 112, second paragraph, as being indefinite given the recitation of "the hook opening [being] configured to have a dimension sufficiently near a diameter of a predetermined garment hanging rod." As indicated, applicant has canceled claims 1, 3, 5, 7-9, 11, 15-16, 19-20, 22, 24, and 30.

In response to the Examiner's rejection, applicant has amended independent claims 18 and 29 to remove the above indicated limitation. In addition, applicant has amended claim 18 to now recite a system that comprises both a garment hanging rod and a hook shaped member with a hook opening. The garment hanging rod has a diameter of a first dimension and the surfaces of the hook shaped member that define the hook opening are configured such that a distance

between the surfaces has "a second dimension [that is] approximately a same size as said first dimension of said diameter of said garment hanging rod such that passage of said rod through said hook opening is impeded." Applicant notes that because claim 18 now recites the garment hanging rod as an element of the claim and not merely as a work piece (i.e., functional language), the garment hanging rod is now a structural limitation of the claim and patentably material. As such, applicant respectfully submits that the recitation by claim 18 as to the size of the hook opening in relation to the diameter of the rod is no longer indefinite. Reconsideration of the rejection of amended claims 2, 4, 13-14, 18, and 26-29 under 35 U.S.C. 112, second paragraph, is respectfully requested.

#### **Rejection of Claims 1-5, 7, 8, 18-20, 22, and 26-28 in view of Bruhm**

The Examiner rejected previously presented claims 1-5, 7, 8, 18-20, 22, and 26-28 as unpatentable, 35 U.S.C. 102(b), in view of Bruhm, patent 5,325,568, July 5, 1994 (hereinafter Bruhm). As indicated, applicant has canceled claims 1, 3, 5, 7-8, 19-20, and 22.

Beginning with amended 18, it now recites in part a system comprising "a garment hanging rod ...; a hook shaped member having a body portion and a hook portion; ... an extended hook region on an end of said hook portion and having an extended hook region surface; a body portion surface opposing said extended hook region surface and defining a hook opening ...; [and] wherein said hook shaped member is inserted onto and removed from said garment hanging rod by passing said garment hanging rod through said hook opening."

As indicated, because claim 18 now recites the garment hanging rod as an element of the claim and not merely as a work piece (i.e., functional language), the garment hanging rod is a structural limitation of the claim and is now patentably material.

Applicant notes that while Bruhm teaches a clinch 12 (i.e., a hook shaped member), Bruhm fails to teach or suggest a garment hanging rod in combination with clinch 12.

Specifically, Bruhm teaches a device comprising a clinch 12 and a strap 10 that is directed at securing items to a truck or rail-car flatbed, for securing a tarp around a bundle of goods, or for securing a trunk in an open position while a large object is in the trunk. (Bruhm, column 1, lines 6-14). As seen, Bruhm is completely divergent from applicant's invention as recited by claim 18 and no where does Bruhm teach a garment hanging rod or suggest combining a garment hanging rod with clinch 12.

In addition, claim 18 further recites that the garment hanging rod has "a diameter of a first dimension" and that "said extended hook region surface and said opposing body portion surface are configured such that a distance between said extended hook region surface and said opposing body portion surface has a second dimension approximately a same size as said first dimension of said diameter of said garment hanging rod such that passage of said rod through said hook opening is impeded."

Again, because the garment hanging rod is now a structural limitation of the claim, applicant respectfully submits that the size of the hook opening in relation to the diameter of the rod is also a structural limitation that is patentably material.

Contrary to claim 18, Bruhm does not teach or suggest that the surfaces that form hook opening 14 of clinch 12 are configured to have a dimension approximately the same size of the object onto which the clinch is to be hooked so as to impede passage of that object through the hook opening. As such, Bruhm also fails to teach this additional limitation of claim 18. Accordingly, claim 18, in addition to claims 13, 14, 26, and 28, which depend therefrom, are novel and nonobvious in view of Bruhm.

As for amended claim 29, applicant notes that this claim is also novel and nonobvious in view of Bruhm. Specifically, claim 29 recites in part "a hook portion having an extended hook region surface defining one side of a hook opening and further having a rod retaining surface

adapted to be carried directly on a rod; a body portion ... having a body portion surface opposed to said extended hook region surface and defining a second side of said hook opening; [and] a transition surface that interconnects said body portion surface and said rod retaining surface, wherein said transition surface is curved with no linear segments."

As illustrated in Figure 1 of Bruhm, for example, hook opening 14 of clinch 12 is defined by a surface on hook 13 and by an opposing surface on the body of the clinch (e.g., along bar 16). Hook 13 also has a "retaining surface" along the upper portion of hook 13. However, contrary to claim 29, the "transition surface" of Bruhm that connects the opposing body surface of clinch 12 to the retaining surface of hook 13 is formed from two linear segments (one segment being bar 16) that appear to meet at a right angle, rather than a "curved [surface] with no linear segments," as claim 29 recites. In addition, Bruhm fails to suggest modifying this "transition surface" to be "curved with no linear segments." In particular, as illustrated in Figure 3 of Bruhm, for example, bar 16 functions to retain strap 10. It appears to applicant that modifying bar 16 to be curved and non-linear would interfere with attaching strap 10 to clinch 12. As such, Bruhm fails to teach or suggest amended claim 29, in addition to claims 2, 4, 27, and 30-31, which depend therefrom.

#### **Rejection of Claims 9, 11, and 13-16 in view of Bruhm and Cardenas**

The Examiner rejected previously presented claims 9, 11, and 13-16 as unpatentable, 35 U.S.C. 103(a), over Bruhm in view of Cardenas, patent D405,965, February 23, 1999 (hereinafter Cardenas). In particular, the Examiner indicated that it would be obvious to combine the convexly shaped sleeve of Cardenas with the tip of hook 13 of Bruhm, thereby teaching a convexly shaped surface along this tip. As indicated, applicant has canceled independent claims 9 and 11 and dependent claims 15 and 16, and has amended claims 13-14 to depend from claim 18.

In general, applicant notes that Cardenas does not teach or suggest amended claim 18. In particular, while it may be obvious to combine a garment hanging rod with the hanger device of

Cardenas Figure 1, for example, no where does Cardenas teach or suggest combining this hanger device with a garment hanging rod and configuring the surfaces of the hanger device that form the hook opening such that a distance between the surfaces "has a second dimension approximately the same size as said first dimension of said diameter of said garment hanging rod such that passage of said rod through said hook opening is impeded," as claim 18 recites. Accordingly, Cardenas fails to teach or suggest claim 18, in addition to claims 13, 14, 26, and 28, which depend therefrom.

Applicant also notes that Cardenas fails to teach or suggest amended claim 29. Specifically, as illustrated in Figure 1 of Cardenas, for example, the hook opening is defined by a surface on the hook and by an opposing surface on the body/handle of the hook device. The hook device also has a "retaining surface" along the upper portion of the hook. However, contrary to claim 29, the "transition surface" of Cardenas that connects the opposing body surface to the retaining surface is formed from two linear segments that appear to meet at a right angle, rather than a "curved [surface] with no linear segments," as claim 29 recites. In addition, Cardenas fails to suggest modifying this "transition surface" to be "curved with no linear segments." Accordingly, Cardenas fails to teach or suggest claim 29, in addition to claims 2, 4, 27, and 31, which depend therefrom.

Notably Cardenas also fails to teach or suggest new claim 32, which recites together with claim 31 that the device of claim 29 comprises "an opening in said body portion" and "wherein a long axis of said device passes through said hook portion and said body portion and wherein said opening in said body portion has a long dimension transverse to said axis." Contrary to claim 32, Cardenas appears to disclose in Figure 1, for example, an opening in the body portion that has a long dimension extending along, rather than transverse to, a major axis of the hanger device. Notably, there is also no motivation to modify this body opening of Cardenas to resemble the opening as recited by claim 32 given that the opening of Cardenas apparently serves as a hand

grip to lift or transport the hanger device and accompanying hangers, for example. Accordingly, Cardenas also fails to teach or suggest claim 32.

#### **Rejection of Claims 1, 7, 8, and 26 in view of Smrt**

The Examiner rejected previously presented claims 1, 7, 8, and 26 as unpatentable, 35 U.S.C. 102(b), in view of Smrt, patent 5,664,712, September 9, 1997 (hereinafter Smrt). As indicated above, claims 1, 7, and 8 have been canceled and claim 26 now depends from claim 18.

In general, applicant notes that Smrt does not teach or suggest amended claim 18. Specifically, while Smrt teaches a hook 2 and a strap 1, Smrt fails to teach or suggest a garment hanging rod in combination with hook 2. Specifically, Smrt teaches device for suspending articles (e.g., cans) from the ring of a utility belt, from a belt loop, or article of clothing. (Smrt, column 3, lines 3-10; column 4, line 34 to column 5, line 5). As seen, Smrt is completely divergent from applicant's invention as recited by claim 18 and no where does Smrt teach a garment hanging rod or suggest combining a garment hanging rod with hook 2. As such, amended claim 18, in addition to claims 13, 14, 26, and 28, which depend therefrom, are novel and nonobvious in view of Smrt.

Applicant notes that Smrt also fails to teach or suggest amended claim 29. In particular, amended claim 29 further recites that "said extended hook region surface is convexly shaped across said extended hook region surface when viewed in a direction from a side of said device when looking into said hook opening" and that "said body portion surface is convexly shaped across said body portion surface when viewed in the direction from the side of said device when looking into said hook opening." Smrt fails to teach that opposing surfaces on the body portion and hook that form the hook opening are convexly shaped, as amended claim 29 recites. Accordingly, Smrt fails to teach or suggest claim 29, in addition to claims 2, 4, 27, and 31-32, which depend therefrom.

**Rejection of Claims 1, 5, 7, 9, 11, 15, 18-20, 22, 24, and 28-30 in view of Tinklepaugh**

The Examiner rejected previously presented claims 1, 5, 7, 9, 11, 15, 18-20, 22, 24, and 28-30 as unpatentable, 35 U.S.C. 102(e), in view of Tinklepaugh et al., patent 6,422,521, July 23, 2002 (hereinafter Tinklepaugh). As indicated, claims 1, 5, 7, 9, 11, 15, 19-20, 22, 24, and 30 have been canceled.

Beginning with amended claim 18, as indicted this claim recites a system comprising both a garment hanging rod and a hook shaped member that is inserted onto and removed from the rod. Notably, Tinklepaugh teaches a hose support system for connecting a train air hose to a rail car. This support system comprises two hooks 54/56, for example, interconnected by a strap 52. One hook attaches to the aperture of a train air hose and the other hook to the aperture of a rail car (Tinklepaugh, column 1, lines 10-11; column 3, lines 26-30). As seen, Tinklepaugh is completely divergent from applicant's invention as recited by claim 18 and no where does Tinklepaugh teach a garment hanging rod or suggest combining a garment hanging rod with a hook to be inserted there upon.

In addition, referring to Tinklepaugh Figure 10, for example, the Examiner equates section 98 and section 94 of hook 56" to the extended hook region surface and body portion surface, respectively, of claim 18, and equates hook opening (or throat) 100 of hook 56" to the hook opening of claim 18. However, contrary to claim 18, Tinklepaugh fails to teach or suggest that section 98 and section 94 are configured such that hook opening 100 has a dimension approximately the same size as the dimension of the hose aperture or rail car aperture onto which the hook attaches so as to impede passage of that aperture through the hook opening. In general, Tinklepaugh only teaches that the hooks "should snap in and be simply removed, though not displaced by the bouncing experience while the train is moving." (Tinklepaugh, column 4, lines 33-35). Notably, such teachings fail to teach or suggest that passage of an aperture through hook opening 100 is "impeded," as claim 18 recites. As such, Tinklepaugh also fails to teach this

additional limitation of claim 18. Accordingly, Tinklepaugh fails to teach or suggest amended claim 18, in addition to claim 28, which depends therefrom.

As for claims 13, 14, and 26, as indicated by the Examiner, Tinklepaugh fails to teach the limitations of these claims.

Turning to amended claim 29, it recites in part an “extended hook region surface defining one side of a hook opening; ... a body portion surface opposed to said extended hook region surface and defining a second side of said hook opening; ... wherein said extended hook region surface is convexly shaped across said extended hook region surface ...; wherein said body portion surface is convexly shaped across said body portion surface ...; and wherein said body portion surface is also convexly shaped along said surface such that a size of said hook opening decreases towards a point and thereafter increases.”

Again, the Examiner equates section 98 and section 94 of the Tinklepaugh hook to the extended hook region surface and body portion surface, respectively, of claim 29, and equates hook opening 100 to the hook opening of claim 29. While it appears to applicant that section 98 and section 94 are convexly shaped across the surface, section 94 is substantially straight (as illustrated by Tinklepaugh Figure 10) and is not convexly shaped along the surface such that “a size of said hook opening decreases towards a point and thereafter increases,” as claim 29 recites. In particular, as can be seen in Figure 10, as an object is guided through hook opening 100, the dimension of the opening decreases to a given size and remains at that size for an extended length. Notably, Tinklepaugh also fails to suggest shortening the length of hook opening 100 towards a point, indicating that the “length of the throat 100 of the connector ... is at least as long as the depth of the aperture in the car body or the hose coupling and/or the diameter of loop 96.” (Tinklepaugh, column 4, lines 24-26). As such, Tinklepaugh fails to teach or suggest amended claim 29, in addition to claims 31-32, which depend therefrom.



As for claims 2, 4, and 27, which depend from claim 31, as indicated by the Examiner, Tinklepaugh fails to teach the limitations of these claims.

Since Bruhm, Smrt, Tinklepaugh, and Cardenas do not teach or suggest applicant's invention, alone or in combination, as now set forth in amended claims 2, 4, 13-14, 18, and 26-29 and new claims 31-32, applicant submits that these claims are clearly allowable. Favorable reconsideration and allowance of these claims are therefore requested.

Applicant earnestly believes that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would in any way facilitate the prosecution of this application, he is invited to telephone applicant's agent at the number given below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 9, 2005:

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Name of applicant, assignee or  
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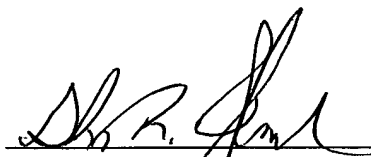


Signature

June 9, 2005

Date of Signature

Respectfully submitted,



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